

INSTRUCTIONCopyrighted Materials: Print Material

A. Print Material (Books, workbooks, dramatic scripts, periodicals, poems, articles, microforms, charts, graphs, diagrams, drawings, cartoons, photographs, paintings, maps)

1. Single copying for teachers. A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class: chapter from a book, article from a periodical or newspaper, short story, short essay or short poem-whether or not from a collective work, chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. Multiple copies for classroom use. Not to exceed in any event more than one copy per pupil in a course, multiple copies may be made by or for the teacher of the course for classroom use or discussion. The copying must meet the tests of brevity, spontaneity, and cumulative effect as defined below and must include a notice of copyright. (Note: With the exception of a single copy of a cartoon, multiple copies of a single illustration per book or per periodical issue may be made.)

3. Definitions

a. Brevity

- 1) Poetry. A complete poem if less than 250 words and if printed on not more than two pages or, from a longer poem, an excerpt of not more than 250 words.
- 2) Prose. Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

(Note: Each of the numerical limits above may be expanded to permit the completion of an unfinished line of a poem or an unfinished prose paragraph.)

- 3) Illustration. One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- 4) Special works. Certain works in poetry, prose, or in poetic prose which often combine language with illustrations and which are intended

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sometimes for children and at other times for a more general audience fall short of 2,500 words

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- 5) in their entirety. Such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.
- b. Spontaneity. The copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.
- c. Cumulative effect. The copying of the material is for only one course in the school in which the copies are made. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term. There shall not be more than nine instances of such multiple copying for one course during one class term.

(Note: The limitations stated above shall not apply to current news periodicals and newspapers and current new sections of other periodicals.)

4. Prohibitions
- a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works.
- b. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable materials.
- c. Copying shall not substitute for the purchase or replacement of books, publishers' reprints, or periodicals.
- d. Copying shall not be directed by a higher authority or repeated with respect to the same item by the same teacher from term to term.
- e. No charge shall be made to the student beyond the actual cost of the photocopying.

INSTRUCTIONCopyrighted Materials: Print Material (continued)B. Music. (Printed scores, arrangements, lyrics)

1. Permissible Uses

a. Performance

1) Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course. After use, all photocopies must be destroyed.

b. Academic Purposes

1) For purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.

2) A single copy of an entire performable unit (section, movement, or aria, etc.) that is confirmed by the copyright proprietor to be out of print or unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class. It may not be used for performance.

3) Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics altered or added if none exist.

4) A single recording may be made for aural exercises or evaluation and may be retained by the school or teacher.

5) A single copy may be made as a free service for the blind.

6) A single copy of a student performance may be made for study and for the archives.

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2. Prohibitions

- a. Copying to create or replace or substitute for anthologies, compilations or collective works.
- b. Copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
- c. Copying for the purpose of performance, except as noted above in an emergency.
- d. Copying for the purpose of substituting for the purchase of music, except as noted above in an emergency.
- e. Copying without inclusion of the copyright notice which appears on the printed copy.

C. Copyright Infringement

The copyright law specifies a normal penalty from \$250 to \$10,000 in statutory damages for each violation, but the penalty can be as much as \$50,000 for willful violation. Even if a defendant is judged not to be in violation of the law, court costs and attorney's fees must still be borne by the individual and/or organization charged with the copyright infringement.

Editor's Note

See also board policy #6-49.

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